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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/817,314	03/26/2001	Martin Vetterli	123593.00106	8869

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BLANK ROME LLP
600 NEW HAMPSHIRE AVENUE, N.W.
WASHINGTON, DC 20037

EXAMINER

NGUYEN, PHU K

ART UNIT	PAPER NUMBER
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2628

MAIL DATE	DELIVERY MODE
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11/30/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	09/817,314	VETTERLI ET AL.	
	Examiner	Art Unit	
	Phu K. Nguyen	2628	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 June 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 4-43 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.


Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.


PHU K. NGUYEN
PRIMARY EXAMINER
GROUP 2300

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 4-43 are rejected under 35 U.S.C. 103(a) as being unpatentable over PHELPS et al. (Toward Active, Extensible, Networked Documents: Multivalent Architecture and Applications).

As per claim 1, Phelps teaches the claimed "computerized method for annotating an element of a view," comprising the steps of:

(a) "obtaining a view of an element by a device" (Phelps, Geographic Information System; AccView, Napa, ..., page 102, column 2, section 2.2.1);

b) "obtaining an identification of the element" (Phelps, e.g., clicking the icons, page 102, column 2, or shaded region in figure 1, or underlines of hyperlinks in figure 3; or User interface Coherence in page 106, column 1, section 4.2);

(c) "relating the identification to annotating data associated with the element" (Phelps, User Annotations and Collaboration, section 2.2.2, page 103, column 1); and

(d) "causing the annotating data to be displayed" (Phelps, page 107, section 5.4 Annotations).

It is noted that Phelps does not teach "wherein the identification is based on a pointing direction of the device" as claimed. However, given Phelps' User Interface (section 4.2, page 106), it would have been obvious to use an identification system such as pointing device, mouse in computer, or radio waveform identification, ... to identify an

object. It would have been obvious to use a pointing device to identify the displayed object on a screen because of the widely use of pointing device to identify a displayed object.

Claim 8 adds into claim 1 "relating the identification to the annotating data comprises referring to a database" (Phelps, the additional annotation material, page 107, column 1, section 5.4).

Claims 12-20 add into claim 1 the displaying of the annotating data which are taught in Phelps' Multivalent Documents with its Layers and behaviours (page 100, column 2, section 1).

Claim 23 adds into claim 1 "the view is taken by a camera" which would have been obvious in view of Phelps' GIS land masses and water bodies (page 102, column 2, section 2.2.1 Geographic Information Systems).

Claims 24-26, 29 add into claim 1 the identification system which defines the desired object such as radio beacon, meta-information, position and viewing direction, ... which would have been obvious in view of Phelps' User interface Coherence in page 106, column 1, section 4.2.

Claims 27-28 add into claim 1 "a portable device and touching screen" which would have been obvious in view of Phelps' clicking the icons, page 102, column 2, or shaded region in figure 1, or underlines of hyperlinks in figure 3; or User interface Coherence in page 106, column 1, section 4.2.

Claim 30 adds into claim 1 "the annotating data is further based upon an analysis of the view" which Phelps teaches in Program or Functionality-centric Behaviour (page 104, column 1).

Due to the similarity of claims 21, 31-35, or 22, or 36-37, or 38, 4-11, 39-42, or 43 to claims 1, 8, 13-20, and 23-30; they are rejected under the same reason.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phu K. Nguyen whose telephone number is (571) 272 7645. The examiner can normally be reached on M-F 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Razavi can be reached on (571) 272 7664. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Phu K. Nguyen
November 10, 2007


PHU K. NGUYEN
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